

**LEON COUNTY
DEPARTMENT OF GROWTH AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT REVIEW COMMITTEE STAFF REPORT**

STAFF RECOMMENDATION: *APPROVAL WITH CONDITIONS*

PROJECT NAME: Sable Chase Subdivision

APPLICANT: Sable Chase, Inc.
 c/o Pepper Ghazvini
 2811-E Industrial Plaza Drive
 Tallahassee, FL 32308
 (850) 514-1000

AGENT: George & Hutcheson Engineering, Inc.
 Attention: Marc Phelps
 2015 Delta Blvd.
 Tallahassee, FL 32303
 (850) 422-0020

SUMMARY OF THE APPLICATION:

The applicant is requesting approval for an 84-lot residential single family subdivision. The subdivision is inside the Urban Service Area and the property has a split zoning with the majority of the land in the Residential Preservation zoning district and the southern portion of the land in the Lake Protection zoning district. The property is located at 1760 Bannerman Road. Bannerman Road is classified as major collector road.

Electrical, water and sewer will be provided by Talquin Electric Cooperative, Inc.

DATE OF DRC MEETING: June 4, 2003

DATE OF PRE-APP: January 15, 2003

DATE OF TECHNICAL
STAFF REVIEW: April 9, 2003

STAFF PLANNER: Joan Schairer, Development Services Coordinator

TAX ID#: 14-08-20-406-000-0; 14-08-20-410-000-0;
 14-08-20-414-000-0

Sable Chase Subdivision
June 4, 2003
Page 2

PARCEL SIZE: 29.18 acres (more or less)

LOCATION: 1760 Bannerman Road

ROADWAY ACCESS: Bannerman Road (major collector)

ZONING DISTRICT: Residential Preservation and Lake Protection

FUTURE LAND USE: Residential Preservation and Lake Protection

INSIDE/OUTSIDE
URBAN SERVICES AREA: Inside

ZONING PATTERN: North: Residential Preservation
South: Lake Protection
East: Residential Preservation
West: Residential Preservation

ADJOINING EXISTING
LAND USES: North: Single family residences and vacant
South: Single family residence and vacant
East: Single family residences and vacant
West: Vacant

PERMITTED USE
VERIFICATION: VC020143

Site Plan and Subdivision Review Criteria: In deciding whether to recommend to the Board of County Commissioners approval, approval with conditions, or deny a site plan, the Development Services Committee shall determine pursuant to Section 10-1482:

- a) Whether the design standards and requirements set forth in the Subdivision regulations have been met;
- (b) Whether the applicable criteria of the Environment Management Act have been met;
- (c) Whether the standards and requirements of the zoning code have been met; and
- (d) Whether the requirements of other applicable regulations or ordinances which impose specific requirements on the proposed development have been met.

Department of Community Development Staff Findings: The staff is generally responsible for reviewing site plan application to ensure that the application meets the applicable requirements set forth in the Zoning, Site Plan, and Subdivision Regulations (Section 10 of the Leon County

Sable Chase Subdivision
June 4, 2003
Page 3

Code of Laws).

Concurrency (Section 10-140):

A Certificate of Concurrency for the proposed concept plan was issued on May 2, 2003.

Development Standards (Section 10-920 and 10-1210):

The development standards for Residential Preservation inside the Urban Service Area requires new residential development densities to be no greater than 25 percent more than that of the densest residential land development contiguous to the proposed development.

Finding: The applicant must submit supporting data from the contiguous subdivisions which will allow the density patterns of the proposed subdivision.

Site Plan Submittal Requirements (Section 10-1481(3):

The proposed site plan must be modified to include or explain the following items:

1. A scaled vicinity map with north arrow.
2. List names, addresses and phone numbers of all property owners (Smith Life Estate).
3. Obtain approval from the County Attorney for the Declaration of Covenants and Restrictions.
4. Correct the typographical error Page 11, Section 2, of the Declaration of Covenants and Restrictions, which reads, "No building shall be located nearer than ten (5) feet . . ."
5. The Declaration of Covenants and Restrictions are inconsistent with the proposed front yard setback as shown on the site plan.
6. That the Lake Protection zoning on the following Block A, Lots 11, 12, 13, 14, 15; Block C, Lots 1, 2, 3, 4, 5, 7, and 8 be placed in a conservation easement.
7. Supporting data to allow the proposed lot sizes. The applicant must submit documentation that the proposed subdivision lots meet the intent of Section 10-920.

Canopy Road Overlay District (Sections 10-957 and 10-972):

Not applicable.

Parking and Loading Requirements (Division 7, Section 10-1028):

The parking standards require two spaces for up to three bedrooms.

Sable Chase Subdivision
June 4, 2003
Page 4

Finding: The proposed subdivision includes a typical lot detail that provides a two-car garage and an 18 x 20-foot parking space in front of the garage but out of the sidewalk area.

Accessory Structures (Section 10-1102):

Not applicable.

Conservation/Preservation Area (Section 10-953, 973, 974):

A Natural Features Inventory was approved. The Environmental Impact Analysis for the project has been reviewed and approved with conditions by the Environmental Compliance Division. Those conditions are listed in the finding below:

The location of sewer connections and sewer easements must be addressed. There may be a conflict between the proposed conservation easement areas and the future sewer lines. The off-site sewer improvements need to be addressed prior to approval and issuance of the project's environmental management permit.

Submit a letter from Florida Power Company specifically approving the project's proposed works within this company's utility easement. Failure of FPC to approve project plans as currently proposed could mandate substantial changes to these plans.

Permitted Use Verification (Section 10-1477):

VC020143

The parcel(s) identified above may be eligible for subdividing into 90 lots utilizing the cluster option. The parcel(s) are located within the Residential Preservation (RP) zoning district, and the Lake Protection (LP) zoning district and are inside the Urban Service Area (USA). As per Section 10-920, the Residential Preservation (RP) zoning district allows cluster housing within a range of zero to six units per acre or a minimum lot size of no less than .17 acre. Pursuant to Section 10-952, clustering within the Lake Protection (LP) zoning district allows for the development of only one dwelling unit per acre. Existing topographic features of the site may limit development. This parcel is subject to the City/County Water and Sewer Agreement. As per Section 10-1479.1, the subdivision and development of these parcels will be required to follow the Type "C" Site and Development Plan review process.

Comprehensive Plan Issues:

The proposed amendment is consistent with the Comprehensive Plan.

Sable Chase Subdivision
June 4, 2003
Page 5

Deviation from Development Standards (Article XI, Division 9)

None requested.

Leon County Department of Growth and Environmental Management:

The Department of Growth and Environmental Management recommends approval with conditions to the Board of County Commissioners (BCC). The recommendation is based on the above referenced findings and the incorporation of the following conditions into the site and development plan:

1. That a resubmittal with all outstanding issues be submitted for review prior to placement on the BCC agenda. The resubmittal must include written approval from the Public Works Department. Deadline is no later than June 18, 2003, before ten (10:00 a.m.).
2. Resolve the conflict with the proposed Talquin Electric Cooperative, Inc. sewer line easements and the proposed Leon County conservation easement.
3. Modify the site plan to include the proposed sewer lines within the subdivision and show how the sewer is to be brought to the proposed project.
4. Correct the outstanding issues as noted by the County Attorney (letter dated May 29, 2003) regarding the Declaration of Covenants and Restrictions. (See Attachment #6)
5. Correct the typographical error on Page 11, Section 2. "No building shall be located nearer than ten (5) feet to" to (10) feet.
6. Correct the inconsistent front yard setback on Page 22, Schedule "A". It reads 25-foot front setback. The site plan states 20-feet.
7. That all required notes of the Department of Public Works as stated in Attachment #5 be added to the site and development plan.
8. Add a scaled vicinity map with north arrow.
9. List all names, addresses and phone numbers of all property owners (Smith Life Estate).
10. That the Lake Protection zoning on the following Block A, Lots 11, 12, 13, 14, 15; Block C, Lots 1, 2, 3, 4, 5, 7, and 8 be placed in a conservation easement.
11. Complete an application for street name approval with the Addressing Section, Development Services Division. The street "Old Ivy Way" is an extension of Acorn Ridge Trail and should be named as such.
12. Submit a letter from Florida Power Company specifically approving the project's proposed works within this company's utility easement.
13. Submit for the Development Services Division file supporting data on lot sizes in adjacent subdivisions which support the proposed lot sizes in this project. The applicant must submit documentation that the proposed subdivision lots meet the intent of Section 10-920.

Sable Chase Subdivision
June 4, 2003
Page 6

Responses to Notification:

145 notices mailed
0 responses returned
3 returned as undeliverable

Attachments:

- Attachment #1: May 27, 2003, memorandum from Wayne Tedder, Land Use Supervisor, TLCPD
- Attachment #2: May 31, 2003, letter from George Su, Senior Environmental Engineer
- Attachment #3: March 3, 2003, memorandum from Brian Waterman, Transportation Planner, Development Services Division
- Attachment #4: May 22, 2003, letter from Mark Stamps, Talquin Electric Cooperative, Inc.
- Attachment #5: May 27, 2003, memorandum from Kimberly Wood, P. E., Leon County Public Works
- Attachment #6: May 29, 2003, response from Suzanne Schmith, Leon County Assistant Attorney
- Attachment #7: June 2, 2003, email from Lisa Oglesby, Addressing Team Leader, Addressing Section, Development Services Division
- Attachment #8: April 4, 2003, Aquifer Protection Site Review Clearance Form, June O'Meara, City of Tallahassee

**TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
MEMORANDUM**

TO: Development Review Coordinator
FROM: Wayne Tedder, Land Use Supervisor
DATE: May 27, 2003
SUBJECT: Development Review Committee Meeting of June 4, 2003
Agenda Item #1, Sable Chase Subdivision, Type C Site and
Development Plan Review

Parcel Number: 14-08-20-406-0000, 14-08-20-410-0000, and
14-08-20-414-0000
Future Land Use Designation: Lake Protection (LP) and Residential Preservation (RP)
Zoning District: Lake Protection (LP) and Residential Preservation (RP)

Planning Department Findings:

1. The Leon County Community Development Department issued Permitted Use Verification VC020143 certifying that the subject site is eligible for subdivision into 90 lots utilizing the cluster option. The parcels are located within the RP Residential Preservation and LP Lake Protection districts and are inside the Urban Service Area. Per Section 10-920, *Leon County Code*, the Residential Preservation zoning district allows cluster housing within a range of zero to six units per acre. Per Section 10-952, *Leon County Code*, the Lake Protection zoning district allows for cluster development at a density of one unit per acre. Topographic features on site may further limit development. The development is subject to the City/County Water and Sewer Agreement. Per Section 10-1479.1, *Leon County Code*, the subdivision and development of these parcels shall be required to undergo the Type "C" site and development review process.
2. Subsequent to the issuance of the Permitted Use Verification certification and the pre-application meeting on this proposed development, the applicant modified the application, with alterations to site boundaries, location and amount of development, and style (that is, the proposal is no longer a cluster development). Most of the area within the original pre-application boundaries located within the Lake Protection zoning district has been subsequently removed (is no longer included as part of the subject site).
3. The site and development plan application does not include a boundary survey reflecting the subject site at this juncture in the application process.
4. The subject site is located adjacent to but not within the Killearn Lakes Estates Development of Regional Impact. The development of the subject property, is therefore not subject to compliance with the KLE DRI D.O.

5. Sheet 1 of 4 of the site and development plan application proposes construction of a multimodal interconnection with the adjacent KLE Unit 2 Subdivision located to the east via the proposed "Old Ivy Way" connecting to "Acorn Ridge Trail" and with the currently undeveloped property to the west (parcel #14-08-20-411-0000, not included within the KLE DRI) via the proposed "Old Ivy Way." Sheets 2 and 3 of 4, however, do not illustrate these interconnections as constructed but simply as right-of-way stubbed out to the property boundary. Interconnection is consistent with Policy 1.6.3 of the Transportation Element of the *Tallahassee-Leon County Comprehensive Plan*: Encourage the interconnection for vehicular and pedestrian traffic between adjacent, compatible development.
6. The site and development plan proposes that lots 1 - 8 of Block C and 11-15 of Block A be platted in such a manner as to contain land that drains into Lake Jackson, that is designated Lake Protection on the Future Land Use Map of the *Tallahassee-Leon County Comprehensive Plan*, and is included within the Lake Protection Zoning District on the Official Zoning Map. Although some of these lots would have a negligible amount of land within the Lake Protection Zoning District; others would have what appears to be as much as 2,400 square feet of land within this zoning district; however, no lot is proposed that would have a majority of its area in this district. The majority of the land area in each of these lots is zoned Residential Preservation on the Official Zoning Map and designated Residential Preservation on the Future Land Use Map.
7. Minimum lot size for newly created parcels in the Lake Protection zoning district is 2 acres (non-cluster development).
8. Although not highly probable, structural improvement within the small area of the subject site located within the Lake Protection zoning district could impact the water quality of Lake Jackson; the site and development plan does not propose any restrictions on the location of improvements in this area.

Planning Department Recommendation:

The Planning Department recommends approval of this application, subject to the satisfaction of the following conditions:

1. The site and development plan application shall be revised to include a boundary survey, illustrating existing property/parcel configuration of subject property and immediate area, with parcel identification # provided for each parcel depicted.
2. The site and development plan application shall be revised to preclude structural development or the placement of any structures, excepting fences, within those portions of parcels lying within the Lake Protection zoning district. This may be accomplished through the placement of this area within a conservation easement or through the use of another instrument or method deemed acceptable to staff.

3. The site and development plan application shall be revised so that all applicable sheets illustrate the construction of a multimodal interconnection with the adjacent KLE Unit 2 Subdivision located to the east via the proposed "Old Ivy Way" connecting to "Acorn Ridge Trail" and to currently undeveloped property to the west (parcel #14-08-20-411-0000, not included within the KLE DRI) via the proposed "Old Ivy Way."

cc: Joan Schairer



BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710

Leon County, Dept. of Growth
& Environmental Management
3401 W. Tharpe Street
Tallahassee, FL 32303
(850) 488-9300

Commissioners:
WILLIAM C. PROCTOR, JR.
District 1

JANE G. SAULS
District 2

DAN WINCHESTER
District 3

TONY GRIPPA
District 4

BOB RACKLEFF
District 5

RUDY MALOY
At-Large

CLIFF THAELE
At-Large

PARWEZ ALAM
County Administrator
(850) 488-9962

HERBERT W.A. THIELE
County Attorney
(850) 487-1008

May 31, 2003

Mr. Marc Phelps, P.E.
George & Hutcheson Engineering, Inc.
2015 Delta Blvd., Suite 200
Tallahassee, Florida 32303

RE: Environmental Impact Analysis LEA 03-0010: Approval with Conditions
Project: Sable Chase Subdivision (public)
Parcel ID #14-08-20-406, 410, & 414-000-0

Dear Mr. Phelps:

Your supplemental information for the above EIA application was received on May 19 and 28, 2003. Having completed our review of all submitted information, we hereby approve the EIA application. This approval is granted on condition that certain issues be addressed by the applicant at such time as the application is filed for the project's required environmental management permit. The issues which must be addressed are as follows:

1. Provide computations demonstrating that 50% of the pre-development extent of natural significant grade areas and all of the pre-development extent of natural severe grade areas will be preserved under post-development conditions. Note that smaller severe grade areas can be considered as significant slopes for regulatory purposes. Differentiate between those areas that will be protected via conservation easement and those that will be preserved via other mechanisms. In addition, provide notes and graphics on the project plans which document the required slope preservation areas.
2. Quantify the proposed direct impact to the natural watercourse, provide a justification for this impact, address project alternatives considered to avoid and minimize this impact, and discuss how the project mitigates for this impact. You will also need to evaluate the proposed project's secondary impacts to on-site and off-site watercourse and wetlands as well as how the project compensates for such impacts.
3. The location of sewer connections and sewer easements must be addressed. There may be a conflict between the proposed conservation easement areas and the future sewer lines. The off-site sewer improvements need to be addressed prior to approval and issuance of the project's environmental management permit.
4. A complete signed and sealed stormwater design report must be provided.
5. Provide computations which demonstrate and graphics to illustrate that compensating stormwater treatment area in the Lake Jackson drainage basin is provided through proposed Stormwater Management Facility #2 (SWMF #2). The drainage basin map should be used to clarify the 4,840 square feet of impervious surface area untreated as well as the impervious surface area that will be credited as compensating treatment.

Mr. Marc Phelps
Sable Chase Subdivision: EIA LEA03-0010, Approval with Conditions

Page 2

6. Additional double ring infiltration tests must be conducted for the proposed stormwater management facilities #1 and #2 to justify the design infiltration rates.
7. It must be demonstrated that proposed SWMF #2 will recover per the requirements of Sec. 10-221, Land Development Code (LDC).
8. The design report must include a groundwater mounding analysis to support the 0.18 in/hr saturated percolation rate you have specified for proposed SWMF #1.
9. You must submit a letter from Florida Power Company specifically approving the project's proposed works within this company's utility easement. Please be advised that failure of FPC to approve project plans as currently proposed could mandate substantial changes to these plans.
10. On Sheet 1 of the site plan, the assumed total impervious area associated with each single family residence (e.g. house, driveway, sidewalk, patio) must be reduced to 2,500 square feet in accordance with your revised stormwater design.
11. The stormwater conveyance systems for drainage discharging to SWMF #1 must be shown on the project site plans.
12. The project plan set must address special measures that may be required to properly convey the increased runoff from lots along Ivy Mill Way to SWMF #1, especially for Lots 13 to 24 of Block "A" (ex., required lot grading, drainage gutters, etc.).

Please be advised that, considering the unresolved issues listed above, the current proposed design of the project's stormwater management facilities, lot configurations, and other land plan features are subject to future changes at the time of environmental permitting. Note also that the topics listed above do not reflect all items that need to be addressed in the project's environmental management permit application.

If you have any questions regarding this letter, please contact me at (850) 488-9300.

Sincerely,



~~for~~ Shinming George Su, P.E.
Senior Environmental Engineer

cc: Joan Schairer
Clay Carithers
file



Board of County Commissioners

Inter-Office Memorandum

DATE: March 3, 2003
TO: Joan Schairer, Development Services Coordinator
FROM: Brian S. Waterman, Transportation Planner
SUBJECT: Sable Chase

Parcel Number: 14-08-20-406-000-0
14-08-20-410-000-0
14-08-20-414-000-0

The referenced project has been issued a Preliminary Certificate of Concurrency (LCM030006) and has received approval from the City of Tallahassee Growth Management Concurrency Management Section. Upon receipt of final development approval, a Final Certificate of Concurrency will be issued. This will allow the project to go ahead and receive all necessary building permits. A Final Certificate of Concurrency is good for two years. If, during that time period, the applicant does not reach an appreciable level of build out ($\geq 85\%$ of project size) on the site, the applicant may have to reapply for concurrency and the impact will be reassessed.

It should be noted that the section of Bannerman Road where this project is located is significantly constrained which may affect any modifications or expansion of this project. Furthermore, a traffic light at the intersection of Tekesta and Bannerman is currently being constructed which will affect the flow of traffic on this road during the peak hour.

If the applicant has any questions, they may call me at (850) 488-9300.

Certificate Number: LCM030006

Date Issued: 05/02/2003

Expiration Date: 07/31/2003


LEON COUNTY
PRELIMINARY CERTIFICATE OF CONCURRENCY

Applicant.....: SMITH MCKINLEY JR
Owner.....: SMITH MCKINLEY JR
Project Name.....: BANNERMAN ROAD SUBDIVISION
Project Location: BTWN TEKESTA & BULL HEADLEY ON N. SIDE
Current Zoning: RESIDENTIAL PRESERVATION
Future Use Description: MIXED USED A
Parcel I.D. Number(s) 14-08-20-406-0000

Type of Land Use:
Residential Single Family 84 UNITS

Conditions:

This Preliminary Certificate of Concurrence is issued pursuant to Article VI of Chapter 10 of Leon County Code of Laws. Based upon the information submitted by the applicant, this certificate certifies that a development with the land use densities and intensities specified at the location specified above will have adequate infrastructure capacity tentatively reserved for water, wastewater, solid waste, recreation, mass transit, stormwater and transportation to serve the needs of the development. The information provided by the applicant has not been verified as accurate by staff. Upon notification from the Development Review and Inspection Division that a complete application for a Development Order is received from the applicant, staff will begin the assessment of the information received from the applicant. This permit in no way gives the proposed development any final authorization to develop, nor does it absolve the applicant from fulfilling the requirements of any Federal, State, County, or City Laws or regulations related to land use or land development.


Development Review and
Inspection Division

5/2/03
Date

TALQUIN ELECTRIC COOPERATIVE, INC.

Post Office Box 1679
Quincy, Florida
32353-1679

1640 West Jefferson Street
Quincy, Florida
32351-5679

Quincy: (850) 627-7651

Tallahassee: (850) 878-4414

MEMORANDUM

To: Joan Schairer
Leon County
Fax No.: 487-7956 (one page)

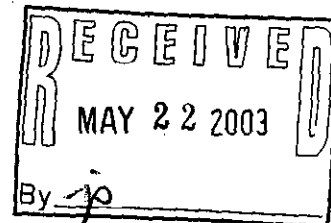
From: Mark Stamps *MS*

Re: Sable Chase

Date: May 22, 2003

I have reviewed the revised plans for the Sable Chase development you have provided to me. The only concern I raise is the same potential conflict that I mentioned at the earlier site plan reviews concerning the location of the proposed conservation easement along the north and east boundaries. This conservation easement would interfere with the sewer line to serve the subdivision that is proposed to flow to the northeast corner of the subdivision. Sewer easements must be a minimum of 20 feet in width and a wider path than 20 feet is normally needed during installation.

This easement and utility conflict should be resolved.



AREA OFFICE
LAKE JACKSON
582-0126

AREA OFFICE
HOSFORD
379-6679

HEADQUARTERS
QUINCY
627-7851

AREA OFFICE
QUINCY
627-9666

AREA OFFICE
CROSSWAY ROAD
877-2111

AREA OFFICE
BRADFORDVILLE
893-4453

AREA OFFICE
CRAWFORDVILLE
878-7123

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

DATE: May 27, 2003
TO: Joan Schairer
FROM: Kimberly A. Wood P.E.
SUBJECT: Type C Review of Revised Sable Chase Subdivision Received May 21, 2003

The review of the revised plans is complete and I recommend conditional site plan approval if the following information is added to the plans:

1. Expand existing note that lots will be re-graded during original construction and all berms or swales directing runoff to the proposed SWMF#1, will be completed during the infrastructure construction, provide grading plans for affected lots, including but not limited to, lots 11-23 Block A on Ivy Mill Way and lots 13-16 Block C along Old Ivy Way.
2. 30 foot drainage easements west and north of Old Ivy Way shall provide sufficient conveyance to proposed bypass structure and sufficient access for maintenance. Provide documentation that Florida Power is agreeable to construction in their Utility Easement.
3. Clarify the note regarding the HOA Common Area/Open Space in the NW quadrant of the subdivision. It appears that 10 feet may be overlapping the 30' drainage easement. Overlapping easements are not allowed.
4. Sheet 3 of 4 shows a top elevation access berm under transmission lines as 199.0 and 199.5. The berm should be a minimum of 1 foot higher then the outfall structure from the pond.
5. Clear 20 foot access to SWMF #2 will be required through the subdivision and conveyed to County via easement. Currently no access to facility is shown on plans.
6. SWMF #2 outfall structure discharges to Bannerman Road's roadside system. This requires a right of way placement permit from Public Works and an analysis of downstream conveyance to determine sufficient capacity for point discharge.

"Safety is No Accident"

From: Suzanne Schmith
To: Schairer, Joan
Date: 5/30/03 9:35AM
Subject: Re: Sable Chase Subdivision

Attachment #
Page 16 of 20

No. A letter went out to the Engineer yesterday and you are cc:'d on it. You should receive it today. If you need it sooner, please ask Shann to fax it to you.

>>> Joan Schairer 05/30/03 09:31AM >>>

Has the Declaration of Covenants and Restrictions been approved by your office?

CC: Lawson, Shann



BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710

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At-Large

CLIFF THAELL
At-Large

PARWEZ ALAM
County Administrator
(850) 488-9962

HERBERT W.A. THIELE
County Attorney
(850) 487-1008

May 29, 2003

Mark Phelps, P.E.
George & Hutcheson Engineering, Inc.
2015 Delta Boulevard, Suite 200
Tallahassee, Florida 32303

RECEIVED
MAY 30 2003
Growth and Environmental Management
Development Review

RE: Covenants and Restrictions for Sable Chase Subdivision

Dear Mr. Phelps:

Our office has completed review of the Covenants and Restrictions for the proposed Sable Chase Subdivision submitted to Leon County Community Development. As you are probably aware, the County Attorney's Office reviews documents associated with creation of new subdivisions for compliance with the County's code and applicable statutory requirements.

The Sable Chase covenants and restrictions are very thorough and only appear to be missing one of the specifically required code items. Please revise the covenants and restrictions to comply with section 10-1560.1(e) to provide for an award of attorney's fees to the prevailing party in any litigation to require the Association to perform its obligations with regard to annual assessments and the maintenance or repair of streets or other common facilities.

The language in Article VIII, Limitation of Liability raises some concern in that it is so broad, it may be construed to conflict with, or even contradict Article IV on Enforcement. Having reviewed similar provisions in other association documents, our office suggests that this can be remedied by making eliminating Article VIII as a separate Article and including such language as a part of Article VII on Architectural Control, and by eliminating language which blanketly releases the Developer and its successors and assigns from any liability for failure to enforce any of the listed covenants or restrictions.

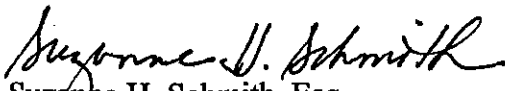
Finally, there are typographical errors which should be remedied before finalizing the document. On page 17, section 2, "January, 1996" should be updated to a future year. In section 3(d) on the same page, "provided that ho such" should read "provided that no such." And on page 6, Article V, section 4, "imposed by Section 10-1556(a)(1)-(a)(13)" should be revised to cite the correct sections of the Leon County Code, Sections 10-1560.1(a) through (n).

Letter to Mark Phelps RE: Covenants & Restrictions for Sable Chase Subdivision
May 29, 2003
Page 2

Please contact the County Attorney's Office if you have questions regarding this review.

Sincerely,

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA


Suzanne H. Schmith, Esq.
Assistant County Attorney

SHS:sl

✓ cc: Joan Schairer, Planner II

From: Lisa Oglesby
To: Schairer, Joan
Date: 6/2/03 1:11PM
Subject: Re: Sable Chase

Attachment # 2
Page 19 of 20

Joan,

The street names were approved by phone with Mr. Pepper Ghazvini and placed on the street name reserve list. As of today Mr. Ghazvini has not submitted a street naming application.

A call will be placed to his office today requesting the street application be submitted before the unit can notify on the new names and their location.

The names in reserve for this subdivision are:
Sable Chase Dr.
Ivy Brook Lane
Ivy Mill Way
Old Ivy Way

>>> Joan Schairer 06/02/03 08:13AM >>>

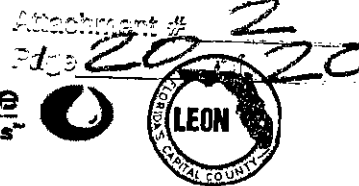
Thomas, I am writing my DRC report this morning. If you could let me know if the street names were approved asap, I would appreciate it very much.

Thank you.
Joan

CC: Harp, Thomas

Aquifer Protection Site Review Clearance Form

City of Tallahassee
Your Own Utilities



Site Information Site Name: **Sable Chase**

Location: 1760 Bannerman Road

Tax ID: 14-08-20-406-0000

Status: TYPE C

Agenda Date: 04/09/2003

Date of Site Visit: Friday, April 04, 2003

Inspected by: June O'Meara

Important: It is the permittee's responsibility to provide the documentation indicated in the checked sections below. Aquifer Protection Clearance will be issued only after the required documentation is provided to: Koren Taylor, P.G., Aquifer Protection Section, 3805 Springhill Road, Tallahassee, FL, 32305-6502; Phone (850)891-1200; Fax (850)891-1062. If additional wells, borings, or Regulated Substances not described below are discovered by the permittee during site clearing or other permitted activities, the permittee shall comply with the appropriate provisions in Leon County Land Development Code Article XIV and shall notify the Aquifer Protection Section of actions taken to comply with these provisions.

Aquifer Protection Items Found on Site And Action Required:

☐ Unused Well(s) Number Of Wells: 0

The unused well(s) must be properly abandoned by a licensed well contractor following Northwest Florida Water Management District guidelines ((850)539-5999). The NWFWM District inspection report will be required as proof of proper abandonment. [Authority -- Leon County Code Section 10-1957(a)(1) and Chapter 40A-3.531(1), (2)(b), (4), and (5), Florida Administrative Code.]

☐ Geotechnical Borings

The geotechnical borings must be properly abandoned. Borings less than 25 feet deep may be back-filled with the original or other clean soil. Borings deeper than 25 feet shall be grouted with neat cement from bottom to top. A signed statement from the geotechnical consultant that the borings have been properly abandoned will be considered adequate proof of action completion. [Authority -- Leon County Code Section 10-1957(b)]

☐ Regulated Substances/Waste

The on-site waste described above must be disposed of properly. On-site waste which could present a hazard to water resources if improperly handled (including solvents, paints, pesticides, waste oil, batteries, fluorescent lights or other mercury containing devices, etc.) must be removed from the site by either a Department of Environmental Protection-approved hazardous waste transporter, recycler, or in many cases may be transported by the permittee to the Leon County Hazardous Waste Center, located at the Leon County Landfill. If the Hazardous Waste Center is used, they must be contacted for approval and delivery scheduling (922-0400) prior to the contractor removing the waste from the site. Regardless of the approved method of disposal chosen the permittee must obtain receipts documenting the proper disposal of the waste. Copies of waste receipts will be required as proof that action was properly completed. [Authority -- Leon County Code Section 10-1959.]

☐ Other:

Aquifer Protection Clearance

This Clearance form will be signed by a member of the Aquifer Protection Section when all actions identified above have been completed. The final environmental inspection will not be conducted and the permit will not be issued until the Aquifer Protection Clearance is completed.

Aquifer Protection Clearance: **June O'Meara**

Date: **04/04/2003**